

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-101

SCOTT J. MIELKIE,

Defendant.

**ORDER DENYING REQUEST FOR RECOMMENDATION
AND NOTICE OF CORRECTION OF CLERICAL ERROR**

On November 3, 2021, at 1:30 p.m. Defendant Scott J. Mielke was sentenced before this Court to 24 months imprisonment, later reduced to 22 months, concurrent with any state sentence, to be followed by 3 years of supervised release for possession with intent to distribute Methamphetamine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2(a). The case is now before the Court on the defendant's pro se "Motion Requesting Judicial Recommendation For 12 Months RRC Placement Pursuant to 18 U.S.C. § 361(b)(4).

Defendant's motion will be denied. The Court has no information that would suggest the defendant is deserving of such a placement. The defendant received a below-guideline sentence for a serious drug felony even though he was in possession of a loaded firearm and was charged with several serious state offenses while his federal case was pending. Further reduction of the defendant's sentence would unduly depreciate the seriousness of the offense and undermine the Court's goals of deterrence and protection of the public. Accordingly, the defendant's motion for a halfway house recommendation is denied.

In the course of reviewing the record in this case, it has come to the Court's attention that the defendant's name has been spelled in two different ways. Except for the judgment of

conviction, it appears that the defendant's last name has been spelled in the pleadings and papers as Mielkie. In the judgment and in his most recent motion, the defendant's name is spelled Mielke.

So as to correct what appears to be a clerical error, the Court hereby gives notice of its intent, pursuant to Rule 36 of the Federal Rules of Criminal Procedure, to direct the Clerk to correct the name on the judgment of conviction to reflect the correct spelling of the defendant's name as Mielkie. Because the defendant apparently sometimes spells his name as Mielke, the case caption and judgment should be amended to reflect that the defendant is also known as Scott J. Meilke. Absent any objection by the parties, these changes are to be made by the Clerk 10 days from the date of this order.

SO ORDERED at Green Bay, Wisconsin this 26th day of July, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge